

Practitioner's Docket No. MPI96-031CP1DV1CPACN2M

U.S.S.N. 10/810,793

## REMARKS

The present Amendment and the following Remarks are submitted in response to the Office Communication mailed May 12, 2006. Applicant thanks the Examiner for entering the previous amendment to the claims and for indicating that the drawings are accepted. Applicant also thanks the Examiner for reviewing the information disclosure statement and apologizes for the duplication in references.

Claims 7 and 10 are being amended. Claim 9 is canceled. Support for the amendment to claim 7 can be found in the specification at, for example, page 67, lines 7-10. Claims 7-8 and 10-19 are pending upon entry of these amendments.

No new matter is being added. The Rejections raised by the Examiner in the Communication are addressed below.

Rejection of Claim 10 Under 35 U.S.C. §112, Second Paragraph

Claim 10 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, there was confusing repetition of claim terms. Herein, Applicant amends claim 10 to clarify the language, as suggested by the Examiner. In view of this amendment, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claim 9 Under 35 U.S.C. §101

Claim 9 was rejected under 35 U.S.C. §101 allegedly for not being supported by a specific and substantial asserted utility or a well established utility. Without acquiescing, but in the interest of furthering prosecution of this case, Applicant herein cancels claim 9, rendering this rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection of Claim 9 Under 35 U.S.C. §112, First Paragraph

Claim 9 was rejected under 35 U.S.C. §112, first paragraph because since the claimed subject matter allegedly lacks utility, one skilled in the art to which it pertains or with which it is most nearly connected would not know how to use the claimed invention. Without acquiescing, but in the interest of furthering prosecution of this case, Applicant herein cancels claim 9, rendering this rejection moot. Withdrawal of the rejection is respectfully requested.

(Page 4 of 5)

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Rejection of the Claims Under 35 U.S.C. §112, First Paragraph

Claims 7-19 were rejected under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected, to make and use the invention. In particular, the Examiner noted that the specification teaches specific binding to the kinase and the claims lack such a term. In response, claim 7 (claims 8 and 10-19 dependent thereon) is amended to recite that the antibody binds "specifically" to the kinase, as suggested by the Examiner. In view of this amendment, Applicant respectfully requests withdrawal of this rejection.

## CONCLUSION

The foregoing amendments and remarks are being made to place the Application in condition for allowance. Applicant respectfully requests the timely allowance of the pending claims because, in view of these amendments and remarks, Applicant respectfully submits that the rejections of the claims under 35 U.S.C. §§ 101 and 112 are overcome. Applicant believes that this application is now in condition for allowance. Early notice to this effect is solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned. If the Examiner disapproves of Applicant's amendments and remarks in this response, Applicant requests a prompt mailing of a notice to that effect.

This paper is being filed timely as a request for a three month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

7 November 2006

Respectfully submitted,

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By



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(Page 5 of 5)